



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Via Email and  
First Class Mail

FEB 13 2009

Mr. James A. Santory, Director  
Environmental Health and Safety  
Calgon Carbon Corporation  
500 Calgon Carbon Drive  
Pittsburgh, Pennsylvania 15205

**SUBJ: Notice of Acceptability under the CERCLA Off-Site Rule**  
Calgon Carbon Corporation - Big Sandy Plant  
EPA ID Number KYD 005 099 923

Dear Mr. Santory:

The U.S. Environmental Protection Agency (EPA), Region 4, has made an affirmative determination of acceptability for the receipt of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes at the Calgon Carbon Corporation (Calgon), Big Sandy Plant (the "Facility") located at US Route 23 South in Catlettsburg, Kentucky. The CERCLA Off-Site wastes to which this Notice of Acceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, CERCLA. The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR), 40 C.F.R. § 300.440.

On July 3, 2008, EPA issued a Notice of Unacceptability (NOU) to Calgon making the Facility unacceptable for the receipt of CERCLA Off-Site waste 60 days after the date of the letter. The NOU alleged that there were 30 items of violations at the Facility of the Resource Conservation and Recovery Act (RCRA). Pursuant to the OSR, Calgon requested an informal conference with EPA. Prior to and at the conference, Calgon provided written documentation on all of the 30 items detailing the actions that the company had taken or was taking to come into compliance. Based upon Calgon's submittal of the initial set of written documents, its presentation at the informal conference, and its subsequent submittal of documents, communications and discussions with EPA, EPA granted two extensions with a final extension extending the determination of unacceptability until February 11, 2009. The final extension was based upon Calgon completing the "Certification of Closure of the Furnace Feed Tank." On January 22, 2009, Calgon submitted said certification and thereby has returned to physical compliance for the alleged items of violations and/or releases in the NOU.

In addition, Calgon has agreed that it will continue to manage the bag house dust generated by the Carbon Regeneration Unit's air pollution control system and the spent material from the venturi scrubber, as hazardous waste. In addition, Calgon agrees that it will not sell nor transport to any facility other than a permitted Subtitle C treatment, storage or disposal facility,

the carbon sediment dredged from its storm water lagoons. Calgon by its above agreement is not waiving its rights to assert what it believes to be the correct interpretation of EPA rules as to either of the materials described in this paragraph.

Therefore, subject to the paragraph above, Calgon's Big Sandy Plant is determined to be acceptable for the receipt of CERCLA Off-Site waste upon the date of this Notice of Acceptability.

Please note that this determination is subject to the accuracy and completeness of the information provided by both facility representatives and regulatory personnel. Additionally, EPA would like to make it clear that this affirmative determination of acceptability does not, and cannot, grant any facility the right or authority to exceed any conditions of its permits or licenses, receive any waste not allowed by its permits or licenses; or violate any local, state or federal law, rule, regulation or ordinance. Specifically, this determination does not supersede, limit, conflict with or set aside the requirements of any environmental program.

Should any new information affecting this determination develop, EPA reserves its right to revisit this decision. Please note that the CERCLA Off-Site status for a facility is dynamic in nature and is subject to change. If you have any questions concerning this matter, please contact Michael Newton of my staff at (404) 562-9567.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stanley Meiburg'.

A. Stanley Meiburg  
Acting Regional Administrator

cc: John P. Englert, Esquire  
Kirkpatrick & Lockhart Preston Gates Ellis LLP  
Valerie Hudson, Acting Commissioner, KDEP  
Anthony R. Hatton, Director, Division of Waste Management, KDEP  
Jeffery Cummins, Acting Director, Division of Enforcement, KDEP